

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRITTANY BURK, on behalf of herself	§	
and all others similarly situated,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 4:19-cv-00663
v.	§	
	§	
DIRECT ENERGY, LP,	§	
	§	
Defendant.	§	

JOINT STATUS LETTER

Counsel for Plaintiff Brittany Burk and Defendant Direct Energy have continued to diligently work toward accomplishing the outstanding items outlined in their Joint Statement Regarding Discovery Plan [ECF No. 58]. To accommodate the deposition of third-party TMC, which the parties have requested to take on November 23 and/or 30¹, and Defendant's anticipated Motion to Dismiss, the parties jointly propose the following schedule:

Plaintiff's Motion for Class Certification	December 7, 2020
Defendant's Motion to Dismiss	December 7, 2020
Plaintiff's Expert Reports and Expert Witness List	December 7, 2020
Defendant's Response to Motion for Class Certification	January 15, 2021
Plaintiff's Opposition to Motion to Dismiss	January 15, 2021
Defendant's Expert Reports and Expert Witness List	January 15, 2021
Plaintiff's Reply in Support of Motion for Class Certification	February 5, 2021

¹ The parties have reached out to TMC, which has not yet confirmed a date for the deposition.

Defendant's Reply in Support of Motion to Dismiss	February 5, 2021
Discovery Cut-off	March 1, 2021
ADR Deadline	March 30, 2021
Motions Deadline	March 8, 2021
Hearing on Class Certification and Motion to Dismiss	March 15, 2021
Joint Pretrial Order (Defendant to provide final version to Plaintiff)	May 11, 2021
Joint Pretrial Order (Plaintiff to file with Court)	May 18, 2021
Trial	June 1, 2021

The parties anticipate that these new deadlines will provide additional time for the parties to accomplish the remaining pretrial tasks.

The parties have no discovery disputes at this time, but the parties have reserved any objections and rights to seek any additional responsive testimony and documents, including testimony and documents from third parties, depending on how discovery continues to progress.

Should the Court request a status conference, the Parties stand ready to address any and all questions from the Court.

Dated: November 11, 2020

Respectfully submitted,

/s/ Daniel M. Hutchinson

LIEFF CABRASER, HEIMANN & BERNSTEIN, LLP

Nimish R. Desai

Daniel M. Hutchinson (*pro hac vice*)

Evan J. Ballan (*pro hac vice*)

275 Battery Street, 29th Floor

San Francisco, CA 94111

Email: ndesai@lchb.com

Email: dhutchinson@lchb.com

Email: eballan@lchb.com

LIEFF CABRASER, HEIMANN & BERNSTEIN, LLP

Jonathan D. Selbin (*pro hac vice*)

250 Hudson Street, 8th Floor
New York, NY 10013
Email: jselbin@lchb.com

MASON LIETZ & KLINGER, LLP
Gary M. Klinger (*pro hac vice*)
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Email: gklinger@ masonllp.com

Attorneys for Plaintiff Brittany Burk

/s/ Michael D. Matthews, Jr.
MCDOWELL HETHERINGTON LLP
Michael D. Matthews, Jr.
Texas Bar No. 24051009
William B. Thomas
Texas Bar No. 24083965
1001 Fannin Street, Suite 2700
Houston, Texas 77002
T: (713) 337-5580
F: (713) 337-8850
matt.matthews@mhllp.com
william.thomas@mhllp.com

Attorneys for Defendant Direct Energy

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of November, 2020, a true and correct copy of the foregoing was served on all counsel of record via CM/ECF.

/s/ Daniel M. Hutchinson
Daniel M. Hutchinson